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U.S. DISTRICT COURT E.D.N.Y.
★ JUL 21, 2005 ★

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

THOMAS ADENIYI,
A96 425 906, : : P.M.

Petitioner, : : ORDER TIME A.M.
- v. - : : Civil Action
BUREAU OF IMMIGRATION AND, : : No. CV-04-1626
CUSTOMS ENFORCEMENT ("ICE") : : (Trager, J.)

Respondents. : :
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Petitioner Thomas Adeniyi ("Petitioner"), through the instant petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241, challenges the lawfulness of an administratively final removal order.

Section 106(c) of the REAL ID Act of 2005 ("RIDA"), Pub. L. No. 109-13, Div. B, 119 Stat. 231 (May 11, 2005), provides that an action (or portion thereof) brought pursuant to 28 U.S.C. § 2241 which challenges an administratively final removal order, and which was pending when RIDA was enacted, shall be transferred to the court of appeals for the circuit in which a petition for review could have been properly filed pursuant to section 242 of the Immigration and Nationality Act ("INA"), 8 U.S.C. § 1252, as amended by RIDA § 106. According to INA § 242(b)(2), 8 U.S.C. § 1252(b)(2), the appropriate judicial circuit for a petition for review is the circuit where the immigration judge completed proceedings. In this case, proceedings were completed in Jamaica, New York, and this petition was pending when RIDA was enacted.

Accordingly, the following order is hereby entered: this case is transferred in its entirety to the United States Court of Appeals for the Second Circuit pursuant to RIDA § 106(c).

SO ORDERED:

Dated: Brooklyn, New York

July 7, 2005

s/ David G. Trager

HONORABLE DAVID G. TRAGER
United States District Judge